

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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IN RE: INSURANCE BROKERAGE	:	MDL No. 1663
ANTITRUST LITIGATION	:	Civil Action No. 04-5184 (CCC)
APPLIES TO ALL COMMERCIAL INSURANCE BROKERAGE ACTIONS	:	Hon. Claire C. Cecchi

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**[TAG ALONG PLAINTIFFS' DRAFT]  
SCHEDULING ORDER**

WHEREAS, the Court held a telephone conference with all parties on October 17, 2011 (the “Conference”) to address whether the stay of all proceedings in this multi-district litigation (“MDL”) should remain in place, and to determine an appropriate manner of proceeding with the putative class action and related “Tag-Along” cases; and

WHEREAS, given the current posture of the case, with several settlements concluded and one pending final approval, as well as the age of the case and the duration of the stay period, this Court deems it appropriate to proceed;

WHEREAS, the Court determined that the April 2007 stay order previously issued by Judge Brown (Docket No. 1142) should be vacated and the Court so vacated the stay by Letter Order entered on October 20, 2011 (Docket No. 1922);

WHEREAS, the Court has determined that an appropriate Scheduling Order should be entered; and

WHEREAS, the Court has determined that in light of and balancing the various considerations of prejudice, burden, expense, and efficiency discussed during the Conference, the Scheduling Order should provide for the service of Rule 26 Disclosures, the commencement

of discovery by the parties in the Tag-Along cases, the amendment of pleadings and coordinated briefing and motion practice directed at same;

IT IS HEREBY ORDERED, as follows:

1. Plaintiffs in the Tag-Along cases that wish to amend their complaints shall file said amended complaints within 45 days after the entry of this Order. Plaintiffs in the Tag-Along cases that wish to file motions to remand their cases may do so within 45 days after the entry of this Order.
2. Defendants in the Tag-Along cases who have not filed answers in those cases may answer or otherwise respond to the Tag-Along complaints, or make any case or claim dispositive motions, (“Defendant Motions”) with respect to the Tag-Along complaints, whether existing or as amended, 45 days after the deadline for the filing of amended complaints pursuant to Paragraph 1, above.
3. Plaintiffs in the Tag-Along cases shall file any oppositions to the Defendant Motions 45 days after the date for filing of such motions pursuant to Paragraph 2, above.
4. Defendants in the Tag-Along cases shall file any replies in further support of the Defendant Motions 30 days after the date for filing of oppositions pursuant to Paragraph 3, above.
5. All parties that have not previously served Fed. R. Civ. P. 26(a)(1) Disclosures in the Tag-Along cases shall do so within 45 days after entry of this Order.
6. Tag-Along discovery was authorized to commence upon entry of this Court’s Letter Order of October 20, 2011 (Docket No. 1922).
7. Pretrial Order No. 9 (Docket No. 745), as amended, are hereby vacated, with the exception of Section G(1) of that Order.

8. Written Discovery on Parties: Not less than 30 days after the date for service of Fed. R. Civ. P. 26(a)(1) Disclosures pursuant to Paragraph 5 above, the parties in the Tag-Along cases may serve on each other document requests, interrogatories and requests for admission.

9. Coordination of Depositions: In order to avoid the need to take multiple depositions of the same witnesses, all depositions will be deferred to allow opportunities for Rule 26(a)(1) disclosures and written discovery to be exchanged. Counsel for Plaintiffs in all Tag-Along cases will confer regarding the identity of the witnesses relevant to each of their cases and counsel for Defendants in each of the Tag-Along cases will confer regarding the identity of the witnesses relevant to each of their cases. If Counsel for Plaintiffs in the Tag-Along cases wish to depose employees of any Defendants that are also named as Defendants in the Consolidated Class Action and who have not settled with the Consolidated Class (“Non-Settling Class Defendants”), Counsel for Plaintiffs in the Tag-Along cases shall also confer with the Co-Lead Counsel for the Consolidated Class Plaintiffs as to such depositions.

- a. Plaintiffs in the Tag-Along cases and Co-Lead Counsel for the Consolidated Class Plaintiffs may prepare and serve a Consolidated Notice of Depositions to be Taken by Plaintiffs and Defendants in the Tag-Along cases may prepare and serve a Consolidated Notice of Depositions to be Taken by Defendants the earlier of (i) 30 days after the receipt of the substantive answers and production of documents in response to the written discovery requests set forth in Paragraph 8, above, have been exchanged or (ii) 180 days after the entry of this Order;

- b. Plaintiffs in all cases and Defendants in the Tag-Along cases will confer to agree upon (i) the number of depositions to be taken of each party and (ii) a schedule for the depositions; and
- c. Depositions may commence 15 days after the service of the Consolidated Notices of Deposition and continue until the close of fact discovery.

10. Fact Discovery Cut Off: All fact discovery in Tag-Along cases shall be completed no later than 270 days after commencement of depositions under Paragraph 9, above.

11. Discovery Disputes: All discovery disputes must be brought to Magistrate Judge Patty Shwartz no later than 30 days after the close of fact discovery. All parties wishing to bring disputes before Magistrate Judge Patty Shwartz for resolution must follow the procedures set forth in the Amended Joint Discovery Plan and Scheduling Order of September 20, 2005.

12. Expert Report Schedule:

- a. All expert reports must be disclosed no later than 90 days from the close of fact discovery; and
- b. All expert rebuttal reports must be disclosed no later than 45 days after the deadline for disclosing expert reports pursuant to Paragraph 12(a), above.

13. Summary Judgment Schedule:

- a. All summary judgment motions shall be filed no later than 60 days from the deadline for disclosing expert rebuttal reports pursuant to Paragraph 12(b), above;
- b. Any oppositions to summary judgment shall be filed no later than 60 days after the date for filing of summary judgment motions pursuant to Paragraph 13(a), above;

- c. Any replies in further support of summary judgment motions shall be filed no later than 30 days after the date for filing of oppositions pursuant to Paragraph 13(b), above; and
- d. No sur-replies are permitted on motions for summary judgment.

14. This Order is subject to modification by this Court through amendment or subsequent Order, whether on its own motion or a joint request of the parties upon good cause shown.

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CLAIRES C. CECCHI, U.S.D.J.

Dated: October \_\_\_, 2011